

LEGISLATURE OF NEBRASKA
NINETY-SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 519

Introduced by Lynch, 13

Read first time January 19, 1999

Committee: Health and Human Services

A BILL

- 1 FOR AN ACT relating to disabled persons; to adopt the
- 2 Community-Based Neurobehavioral Rehabilitation Act; and
- 3 to provide a termination date.
- 4 Be it enacted by the people of the State of Nebraska,

1 Section 1. Sections 1 to 10 of this act shall be known
2 and may be cited as the Community-Based Neurobehavioral
3 Rehabilitation Act.

4 Sec. 2. For purposes of the Community-Based
5 Neurobehavioral Rehabilitation Act:

6 (1) Activity and vocational services means services which
7 are intended to provide routine structure and activity in a
8 vocational setting to enhance the adaptive behavioral capability of
9 individuals with disabilities whose primary disability results from
10 brain or head injuries and who as a consequence of the disabilities
11 are unable to pursue competitive employment. Activity and
12 vocational services shall include such services provided and
13 coordinated through appropriately structured adult day care, work
14 activity, vocational training, and sheltered employment settings
15 with an intended goal of enhancing the individual's long-term
16 potential for vocational activity;

17 (2) Associated neurobehavioral services means any service
18 necessary or essential to enhance the adaptive capability of a
19 person with a history of brain or head injuries. Examples of such
20 services include but are not limited to behavior management, visual
21 rehabilitation, occupational therapy, epilepsy treatment and
22 control, and use of assistive technology devices;

23 (3) Behavior management services means behavioral
24 manipulation or modification of the behavior of individuals with
25 disabilities whose primary disability results from brain or head
26 injuries which (a) enhances behavioral capabilities to acquire or
27 demonstrate psychosocial adaptive behavior, (b) teaches such
28 individuals to learn or acquire new skills or information, (c)

1 provides systematic observation and supervision to sustain the
2 safety, health, or well-being of such individuals, and (d) enhances
3 other sensory, cognitive, or behavioral capabilities which enable
4 such individuals to compensate for their functional limitations.
5 Behavior management services may be provided individually or to
6 groups. Assistive technology devices may be used;

7 (4) Community-based neurobehavioral rehabilitation means
8 the provision of behavior management and associated neurobehavioral
9 services to provide independent living services, activity and
10 vocational services, and psychosocial rehabilitation services in
11 community-based settings to individuals with disabilities whose
12 primary disability results from brain or head injuries;

13 (5) Department means the State Department of Education;

14 (6) Division means the Division of Rehabilitation
15 Services of the department;

16 (7) Independent living services means the behavioral
17 manipulation or modification of the environment and includes the
18 use of assistive technology devices and assistive technology
19 services to enhance the independent living capability of
20 individuals with disabilities whose primary disability results from
21 brain or head injuries;

22 (8) Individuals with disabilities whose primary
23 disability results from brain or head injuries means individuals:

24 (a) Who have acquired brain or head injuries resulting
25 directly or indirectly from closed or penetrating brain or head
26 trauma, infection, febrile condition, anoxia, vascular lesion,
27 toxin, metabolic condition, or spinal cord injury and whose brain
28 or head injuries are not primarily related to congenital or

1 degenerative conditions, chemical dependency, or aging processes;
2 and

3 (b) Who have permanent or temporary impairment of mental,
4 cognitive, behavioral, or physical functioning which directly or
5 indirectly results in impairment in attention, cognition, language
6 function, memory, conduct, behavior, motor function, or any other
7 neuropsychological or cognitive behavioral function that did not
8 occur as a result of perinatal factors or developmental anomaly;

9 (9) Neurobehavioral rehabilitation case counselors means
10 credentialed individuals who have no less than a master's degree in
11 vocational rehabilitation counseling, counseling psychology, school
12 psychology, or guidance and counseling, who are responsible for
13 developing and implementing planned, systematic behavior management
14 services for individuals with disabilities whose primary disability
15 results from brain or head injuries, and who have received
16 additional specialized training for such responsibilities; and

17 (10) Psychosocial rehabilitation services means the
18 community-based psychosocial rehabilitation services intended (a)
19 to reduce the likelihood that individuals with disabilities whose
20 primary disability results from brain or head injuries will develop
21 aberrant or otherwise undesirable behavioral adaptations, (b) to
22 reduce inactivity, and (c) to provide age-appropriate psychosocial
23 interactions and activities.

24 Sec. 3. The department shall establish within the
25 division the Community-Based Comprehensive Neurobehavioral
26 Rehabilitation Pilot Project Program. The division, with the
27 assistance of the Community-Based Neurobehavioral Rehabilitation
28 Advisory Board, shall establish additional guidelines and criteria

1 for three pilot projects in the program, including specific
2 selection criteria for participants in the pilot programs. It is
3 the intent of the Legislature to appropriate not less than \$100,000
4 annually for the three pilot projects to be treated as state funds
5 for the purposes of applying for and accepting federal grant funds
6 made available on a two-to-one, federal to state, matching basis.

7 Sec. 4. The Community-Based Neurobehavioral
8 Rehabilitation Advisory Board is created to provide, in an advisory
9 capacity, advice and recommendations to the State Department of
10 Education on ways to improve services coordination regarding
11 traumatic brain injury. The board shall encourage citizen
12 participation through public hearings and other types of community
13 outreach programs. In developing recommendations, the board shall
14 consult with federal, state, and local governmental agencies, with
15 citizen groups, and with other private entities. The board shall
16 be composed of at least nine and not more than fifteen members
17 including:

18 (1) The director of the Division of Rehabilitation or his
19 or her designee;

20 (2) Representatives of public and nonprofit private
21 health-related organizations;

22 (3) Representatives of other disability advisory or
23 planning groups in the state;

24 (4) Members of an organization or foundation representing
25 traumatic brain injury survivors in the state;

26 (5) Representatives of injury control programs at the
27 state or local level if such programs exist; and

28 (6) A substantial number of individuals who are survivors

1 of traumatic brain injury or the family members of such
2 individuals.

3 The members of the committee shall be appointed by the
4 State Board of Education within ninety days after the effective
5 date of this act. Any vacancy occurring on the committee shall be
6 filled from the same category and in the same manner as the
7 original appointment was made.

8 Members of the committee shall be reimbursed for their
9 actual and necessary expenses pursuant to sections 81-1174 to
10 81-1177. The committee shall select a chairperson and such other
11 officers as it deems necessary to perform its functions and shall
12 establish rules and regulations to govern its procedures.

13 Sec. 5. Each pilot project program shall:

14 (1) Provide community-based neurobehavioral
15 rehabilitation services and provide payment for such services for
16 individuals with disabilities whose primary disability results from
17 brain or head injuries and who (a) are medically stable, (b) are
18 twenty-one years of age or older, and (c) as a result of such
19 primary disability, are unable to sustain competitive employment or
20 are psychosocially dependent with regard to their personal safety;

21 (2) Identify and assess such individuals' needs for
22 community-based neurobehavioral rehabilitation. Such
23 identification and assessment shall be carried out with federal,
24 state, and appropriate professional standards deemed necessary for
25 the adequate provision of such services;

26 (3) Identify and coordinate state policies, resources,
27 including funding resources, and services relating to the provision
28 of community-based neurobehavioral rehabilitation;

1 (4) Be directed by a neurobehavioral rehabilitation case
2 counselor. Such counselors shall obtain cognitive, behavioral,
3 psychosocial, and medical diagnostic information as required and
4 shall plan, provide, purchase, and coordinate individualized
5 community-based neurobehavioral rehabilitation. Special attention
6 to the needs of families and caregivers of such individuals shall
7 be a principal concern of neurobehavioral rehabilitation case
8 counselors;

9 (5) Compile and evaluate appropriate data relating to the
10 program;

11 (6) Establish procedures providing for the active
12 involvement of individuals with disabilities whose primary
13 disability results from brain or head injuries, families or
14 representatives of such individuals, appropriate advocacy
15 organizations, or other appropriate individuals in the development
16 and implementation of the program and for the active involvement,
17 to the maximum extent appropriate, of such individuals who use
18 community-based neurobehavioral rehabilitation in decisions
19 relating to the use, planning, or provision of such behavior
20 management services; and

21 (7) Any other function the division considers
22 appropriate.

23 Sec. 6. The division shall develop and implement a
24 public awareness and information program addressing (1) the
25 prevention of brain and head injuries, (2) the availability of
26 services and funding for the treatment of individuals with
27 disabilities whose primary disability results from brain or head
28 injuries, and (3) social understanding and acceptance of

1 individuals with disabilities whose primary disability results from
2 brain or head injuries.

3 Sec. 7. To carry out section 6 of this act, the division
4 may contract with one or more private corporations qualifying under
5 section 501(c)(3) of the Internal Revenue Code that have been in
6 existence for at least five years, and which provide some advocacy
7 for individuals with disabilities whose primary disability results
8 from brain or head injury.

9 Sec. 8. One pilot project program shall be located in
10 each of the three congressional districts and shall begin providing
11 services by January 1, 2000.

12 Sec. 9. The pilot projects shall continue for three
13 years and by January 1, 2003, the department shall conduct an
14 overall evaluation of the success or failure of the pilot project
15 programs and components thereof. A report evaluating the pilot
16 projects shall be made to the State Board of Education and the
17 Legislature by January 15, 2003.

18 Sec. 10. The Community-Based Neurobehavioral
19 Rehabilitation Act terminates on July 1, 2003.